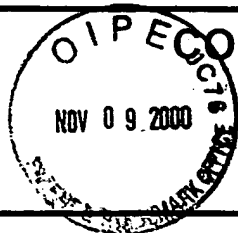


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PTO/SB/29 (8/98)

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

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Submit an original, and a duplicate for fee processing  
(only for Continuation or Divisional applications under 37 CFR § 1.53(d))

TECH CENTER 1600/2900

Address to:  Box CPA  Assistant Commissioner for Patents Washington, DC 20231	Attorney Docket No.	850103.40301
	First Named Inventor	Michael T. Kelly
	Examiner Name	Anish Gupta
	Group Art Unit	1653
	Express Mail Label No	EL615484730US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR § 1.53(d),

(continued prosecution application (CPA)) of prior application number 09/043,813

filed on September 29, 1998, entitled CYCLIC DECAPEPTIDE ANTIBIOTICS

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. § 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. § 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. § 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a)

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is being filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior non-provisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449

b. ☐ Copies of IDS Citations  
11/12/2000 DWT/LIA1 00000006 191090 09043813  
255 00 CM

(1) For	Claims			(4) Rate		(5) Calculations
	(2) Number filed	(3) Number extra				
Basic Fee (Small Entity)						\$ 0
Total Claims	- 20* =		X	\$	=	\$ 0
Independent Claims	- 3** =		X	\$	=	\$ 0
Multiple Dependent Claims (if applicable) (37 CFR § 1.16(d))				\$	+	\$ 0
Petition for an Extension of Time						\$ 445
TOTAL						\$ 445
*Reissue claims in excess of 20 and over original patent. **Reissue independent claims over original patent.						

6. ☒ Small Entity Status: Applicants claim small entity status. See 37 C.F.R. 1.27
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-1090.
- a. ☐ Fees Required Under 37 CFR § 1.16.
- b. ☐ Fees Required Under 37 CFR § 1.17.
- c. ☐ Fees Required Under 37 CFR § 1.18.
8. ☒ A check in the amount of \$445.00 is enclosed.
9. ☒ Other: Return Receipt Postcard
- Check for \$445.00
- Certificate of Express Mail
- Petition for an Extension of Time (+ 2 copies)
- Revocation of General Authorization

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**10. CORRESPONDENCE ADDRESS**

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Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

Respectfully submitted,

SIGNATURE

David W. Parker

Date

November 9, 2000

TYPED or PRINTED NAME

David W. Parker

REGISTRATION NO.

37,414

dwp\8747